

### **REMARKS**

Claims 1-7 are now pending in the application. Claims 1-4 are amended, claims 5-6 are cancelled, and new claim 7 is presented herein. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **SPECIFICATION**

The title of the invention was deemed not descriptive. Applicant has amended the title to read: RECORDING CONTROL SYSTEM INCLUDING A SURPLUS SIGNAL. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1, 5 and 6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Nunally (Pat. No. WO 01/09889). This rejection is respectfully traversed. Notwithstanding Applicant's traverse and solely in the interest of expediting prosecution, Applicant amends claim 1.

Amended claim 1 recites a recording control system for controlling the recording of a recording object in a recording medium with a recording apparatus. In the system, a surplus signal that is outside the recognizable range of a person but within the recording sensitivity range of the recording apparatus is applied to the recording object and the recording object affected by the surplus signal is recorded on the recording medium. The recording control system comprises: surplus signal generation means for generating the surplus signal and irradiating the surplus signal to the recording object;

surplus signal generation control means for controlling the generation of the surplus signal and the suspension thereof; ID transmission means for transmitting an ID assigned to the recording apparatus or to a person; and ID recognition means for receiving and recognizing a transmitted ID. When the received ID is recognized as being a permitted ID, the surplus signal generation control means suspends the generation of the surplus signal for a prescribed period of time.

For anticipation to be present under 35 U.S.C §102(b), there must be no difference between the claimed invention and the reference disclosure as viewed by one skilled in the field of the invention. Scripps Clinic & Res. Found. V. Genentech, Inc., 18 USPQ.2d 1001 (Fed. Cir. 1991). All of the limitations of the claim must be inherent or expressly disclosed and must be arranged as in the claim. Constant v. Advanced Micro-Devices, Inc., 7 USPQ.2d 1057 (Fed. Cir. 1988). Here, Nunally fails to disclose the limitation of "when the received ID is recognized as being a permitted ID, said surplus signal generation control means suspends the generation of said surplus signal for a prescribed period of time" as claim 1 recites.

More particularly, Nunally only discloses "a mark coding" in order to mark audio data with some information. In contrast, the claimed invention does not use "any code," but instead uses a noise (surplus signal) which may affect recording. Inasmuch as the prior art fails to teach or suggest all of the claim limitations, the prior art cannot render claim 1 unpatentable. Therefore, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Claims 5 and 6 are cancelled.

Claims 2-4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Fancher (U.S. Pat. No. 6,559,883). This rejection is respectfully traversed. Notwithstanding, claim 2 is amended to now depend from claim 1. Thus, claims 2-4 now depend from claim 1 and therefore should be in condition for allowance for at least the same reasons as set forth above. In this regard it should be noted that even though Fancher may disclose "a photography prevent system," Fancher does not disclose the claimed feature of "when the received ID is recognized as being a permitted ID, said surplus signal generation control means suspends the generation of said surplus signal for a prescribed period of time" as recited in claim 1.

#### **NEW CLAIM**

New claim 7 is added. Support for this new claim can be found throughout the specification, claims and drawings as originally filed. Accordingly, no new matter is added.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner

believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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